

# TOWN OF WILTON

## SELECTMEN'S MINUTES

Date: July 1, 2013  
Time: 6:30 P.M.  
Place: Town Office

Present: Chairman Daniel E. Donovan, III, Selectmen William F. Condra and Richard E. Swanson, and Recording Secretary Pamela Atwood.

The meeting was called to order at 6:30 P.M. by Chairman Donovan.

Jane Farrell attended the meeting to discuss tax issues. There was a discussion regarding the Home Farm Realty Trust property, noting that a large sum was paid today.

Dick Putnam attended the meeting to discuss his taxes. Chairman Donovan made a motion to enter into nonpublic session per RSA 91-A:3,II(c) at 6:35 P.M.

The regular meeting was called to order at 6:47 P.M.

Jane told the Board about Anthony Graham's property on Abbot Hill Road which had been billed incorrectly. This is the first bill that should reflect the subdivision. Todd recommended abatement of the entire bill and rebilling it correctly. Jane explained further.

Motion: Chairman Donovan made a motion to amend Anthony Graham's property tax bill as discussed. Selectman Condra seconded the motion and a unanimous vote followed.

Jane stated that her office took in over two million dollars in taxes last week and another \$600,000 today.

The Board talked in detail about the Denis Vien's property. Chairman Donovan stated that Seagroves Street appears to be a privately owned road and that it is permissible under State Statute to grant a building permit with access onto that private road. He also stated that Mr. Cadrain is the only resident who has town sewer on that road and he paid for the entire job. Attorney Little did a lot of research into this matter. It's the functional equivalent to a town road, but there will be maintenance issues.

Selectman Swanson stated that he thought the decision was up to the Zoning or Planning Board. Chairman Donovan asked for an opinion from the Planning Board.

Selectman Condra said that there were no attendees from Seagroves Street at the last Planning Board meeting which included discussion about the Viens property.

The piece of conservation land behind the Gabel property was discussed. The Conservation Commission submitted their concerns and requests regarding this strip of land. The Board of Selectmen will invite all abutters to a meeting to discuss the proposal.

There was a complaint regarding a Burns Hill Road situation that the Selectmen referred to Building Inspector John Shepardson.

Motion: A motion was made by Chairman Donovan to abate the tax bill on map and lot E-023-000PIT, owned by Quinn as they have done in the past. Selectman Condra seconded the motion which was followed by a unanimous vote.

Next on the agenda was Attorney Tom Quinn who was representing Denis Viens regarding Map and Lot L-006-01. Chairman Donovan explained the situation and made reference to letters, plans and correspondence from Attorney Little. The Selectmen referred the issue to the Planning Board for their recommendation. The Planning

Board's minutes addressed the issue and stated that the Board of Selectmen has the ability to issue a building permit and recommend that they do so. Reference was made to statute number 674:41.

Motion: Chairman Donovan made a motion to authorize the Building Inspector to issue a permit on L-006-01. Selectman Condra seconded the motion and opened the floor for discussion.

Tom Quinn said he would be happy to answer questions.

Roni Conlon of Burns Hill Road addressed the Board. She explained her frustration thinking that the Selectmen were overriding decisions made by Department Heads; for example, the driveway permit for Gregoire Circle and a building permit. Chairman Donovan explained the Board's position on the driveway permit and stated that they had not overruled anyone on a building permit. Discussion ensued.

Barry Martel of Seagroves Street stated that no one has ever talked to him about this issue. He stated that the neighborhood group missed one Planning Board meeting and that was the one where it got passed. He believes because there is a camera filming this meeting, the Board of Selectmen will vote in favor. After further discussion, he stated that he wishes the Selectmen would support the residents. He asked why the driveway can't be put off of Gregoire Circle.

Chairman Donovan stated that the Selectmen don't have a whole lot of discretion if it meets the requirements. Tom Quinn stated that Mr. Viens has a right to use the road and that the maintenance agreement is a private issue which he will be happy to discuss.

Selectman Swanson asked to see a plan of the lots. Mr. Quinn showed him plans and explained the area.

The discussion among the residents and the Board ensued. Ken Cadrain spoke about road access and the deed restriction that he got lifted. He stated that Mrs. Gregoire would be mortified if she saw all

the trees had been cut. He thinks that the people who bought the property didn't do their research; and this issue has been going on for 18 months. John Kulkulka spoke on behalf of Denis Viens, stating that these lots are lots of record. Mr. Cadrain got visibly upset with Mr. Kulkulka and had to be separated by another member of the group.

Selectman Condra explained to the group that the Zoning Regulations regarding private roads came about many years after these lots were created and only apply to lots created from now going forward; therefore, the regulations do not apply to these two lots. The key is that these lots existed before the ordinance. There were further comments regarding grandfathered lots and private drives.

Mr. Martel asked the Board to reconsider their decision and Chairman Donovan said that they don't have the ability because the Planning Board made a decision which the Selectmen cannot overrule.

Selectman Swanson asked questions about posting the agenda for the Selectmen's meeting. Chairman Donovan answered his questions and explained that the rules for posting agendas differ for different Boards and the Selectmen follow the statutory requirements.

Hearing no further discussion the Selectmen voted as follows on the motion previously made and seconded: Chairman Donovan, aye; Selectman Condra, aye; Selectman Swanson, aye.

For the record, Chairman Donovan stated: "Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

Is a private road, provided that:

1. The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

2. The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
3. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.”

Attorney Quinn followed up with a couple questions about the required documentation.

Selectman Swanson stated that he is unable to attend the next Selectmen’s meeting.

The meeting minutes were approved.  
This week’s manifests were approved.

The Selectmen approved the annual Putnam Street block party.

Selectman Swanson summarized the meeting he had with Lyndeborough Selectman Arnie Byam about Goss Park. They will hold additional meetings.

Chairman Donovan updated the Board on the status of the 457 proposal from Edward Jones. He also spoke about the Fire Station groundbreaking and the Builders Risk Insurance policy.

Payroll for period ending 6/29/13 was approved.  
One (1) Timber Tax Warrant was signed.  
One (1) Property Lien was signed.  
Six (6) Abatement Recommendations were signed.

Next, the Board talked about the piece of property behind Maple Street that the Town is proposing to donate to the abutters. The abutters will

be asked to attend a meeting in August.

A motion was made to adjourn the meeting at 9:05 P.M. by Chairman Donovan, seconded by Selectman Condra, followed by a vote with all in favor.

Respectfully submitted;

Pamela L. Atwood,  
Recording Secretary